

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:16-cr-00005-MR-DLH**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) **O R D E R**
)
)
JUSTIN NOJAN SULLIVAN,)
)
Defendant.)
)

THIS MATTER is before the Court on the parties' Joint Motion to Continue Jury Trial and Request for a Peremptory Trial Setting [Doc. 38].

On January 20, 2016, the Defendant was charged in a Bill of Indictment on seven counts, and an arraignment was scheduled on February 3, 2016. On February 1, 2016, the Defendant filed a waiver of appearance at arraignment and entered a plea of not guilty to all counts. This matter was then scheduled for trial during the February 22, 2016 trial term.

The parties now move jointly for a continuance of the trial date. For grounds, the parties state that additional time is necessary for further investigation, consultation, and trial preparation. The parties further request

that this matter be peremptorily set for trial during the October 2016 trial term.

[Doc. 38].

The Court finds that this case should be continued. If this case were not continued, counsel would be denied the reasonable time necessary for effective trial preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). While the Court ordinarily would grant a continuance only to the next scheduled docket call, the serious nature of the charges at issue and the unusual circumstances presented by this case warrant a continuance of this matter to the October 2016 trial docket.

For the reasons stated herein, the ends of justice served by the granting of the continuance outweigh the best interests of the public and the Defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

IT IS, THEREFORE, ORDERED that the parties' Joint Motion to Continue Jury Trial and Request for a Peremptory Trial Setting [Doc. 38] is **GRANTED**, and this matter is hereby **CONTINUED** to the **October 31, 2016** term in the Asheville Division.

IT IS FURTHER ORDERED that the parties' Request for a Peremptory Trial Setting [Doc. 38] is **DENIED WITHOUT PREJUDICE** as premature.

IT IS SO ORDERED.

Signed: February 17, 2016



Martin Reidinger
United States District Judge

